



## POLICE DEPARTMENT

August 14, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Angel Torres  
Tax Registry No. 905173  
45 Precinct  
Disciplinary Case No. 2011-6179  
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The above-named member of the Department appeared before me on March 31, 2014, charged with the following:

1. Said Police Officer Angel Torres, while assigned to the 45 Precinct, on or about and between May 30, 2010, and June 5, 2010, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer, on three (3) occasions, assisted and/or requested the assistance of other members of the service to prevent the processing and adjudication of three (3) summonses issued to three (3) individuals.

P.G. 203-10, Page 1, Paragraph 5 – PROHIBITED CONDUCT  
GENERAL REGULATIONS

The Department was represented by Vivian Joo, Esq., Department Advocate's Office, and Respondent was represented by Michael Martinez, Esq. Respondent, through his counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

### DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF MITIGATION TESTIMONY

Respondent, a 20-year member of the service who has been assigned to the 45 Precinct for the past five years, testified that he has made about 175 arrests approximately half of which involved a felony charge. Respondent's commanding officer at the 45 Precinct appointed him to serve as the Precinct's facility manager.

Respondent confirmed that on May 30, 2010, Police Officer Person A asked him to help in preventing the adjudication of a parking ticket that had been issued to Person A's wife Person B by a police officer who worked with Respondent at the 45 Precinct. Respondent subsequently contacted the officer who issued this summons, Police Officer Graniello. However, Graniello informed Respondent that this summons had already been submitted for processing and could no longer be "fixed." The summons was adjudicated and Person B paid the fine.

Respondent also confirmed that on June 3, 2010, he called his union delegate, Police Officer O'Reilly, and asked him to prevent the adjudication of summonses that had been issued to two of Respondent's friends. One of the summonses had been issued by Police Officer Shekian to Respondent's friend Person C for not wearing a seat belt while he was driving. The other summons had been issued by Police Officer Moane to Respondent's friend Person D for speeding. O'Reilly informed Respondent that he had been unable to prevent the processing of either of these summonses and both summonses were adjudicated.

Respondent explained that he had engaged in these acts of attempted ticket-fixing because "the way I was trained" when an officer "wrote a ticket he usually held on to the



ticket for a few days, could be a week” before turning the summons in to create a time delay “just in case” the summons had been issued to a relative or friend of a fellow officer so that if a request was received to take care of the summons the issuing officer could “rip it up before they turned it in so that way it was almost like it never existed given the discretion that the officer had.” Respondent asserted that for 15 years ticket-fixing was something that officers, and even supervisors, did on a regular basis. However, there was nothing an officer could do about a summons once it was submitted. Respondent testified that he is now aware that every summons that an officer issues must be promptly submitted.

Regarding the summons that was issued to Person B, Respondent testified that the only action he took to attempt to quash the summons was to speak with the issuing officer. Regarding the summons that was issued to Person D, Respondent stated that since O'Reilly had been unable to get in touch with the issuing officer, he advised Person D to either pay the fine or fight it in court. That was the same outcome for the summons that had been issued to Person C. Respondent never attempted to personally contact the issuing officers to have the summonses dismissed by requesting that the issuing officers perjure themselves at hearings regarding the summonses.

Respondent testified that although he accepts responsibility for his misconduct, he believes that the penalty recommended by the Department Advocate (the Advocate), that he be suspended for five days, that he forfeit 25 vacation days, and that he serve one year on dismissal probation, is excessive. He explained that ticket-fixing “is something that I was trained in, something I was taught, it was something that even my own supervisors instructed this is what you are supposed to do,” and that it was not considered improper

because “it was as if the officer had the discretion that even after the summons was written he still had that discretion as long as he didn’t turn it into the box.” Respondent stated that he has young children and is also a grandfather and that he usually spends his vacation days with his family.

On cross-examination, Respondent testified that he has served as a union delegate at his precinct since December 2013. He confirmed that since August 2010, there has been a new scanning system for summonses which requires officers to turn in their summonses the same day they are issued. He agreed that even before the new system was implemented, the proper procedure was for officers to turn in their summonses on the same day. In spite of this procedure, it was formerly standard practice for officers to wait a few days before submitting their tickets. Respondent agreed that the summons issued to Person C involved a moving violation.

#### PENALTY

In order to determine an appropriate penalty, Respondent’s service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on August 30, 1993. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pleaded guilty to engaging in conduct prejudicial to the good order, efficiency or discipline of the Department in that he has admitted that he attempted to assist another member of the service (MOS) by trying to prevent the processing and adjudication of a parking summons and in that he requested the assistance of a MOS to



try to prevent the processing and adjudication of two summonses that had been issued to friends who had committed moving violations.

The Advocate recommended that Respondent be suspended for five days and also that he forfeit 25 vacation days, for a total forfeiture of 30 days, and that he serve one year on dismissal probation, which is the established standard penalty that has been imposed by the Police Commissioner where a MOS has assisted or requested the assistance of another MOS to prevent the processing and adjudication of two or more summonses.

Respondent's attorney asserted that the penalty to be imposed on Respondent should consist solely of the forfeiture of ten vacation days. Respondent's attorney argued that Respondent's summons-fixing misconduct here was minimal because none of the three summonses he sought to have fixed were successfully fixed and there was no suborning of perjury because the issuing officers did not offer false testimony at administrative hearings regarding the summonses. Respondent's attorney also argued that Respondent's penalty should not include a suspension or the requirement that he serve one year on dismissal probation because the instant misconduct was committed four years ago, because Respondent has over 20 years of "good service," and because Respondent is so respected by his CO for his personal integrity that his CO has assigned him as the Precinct facility manager.

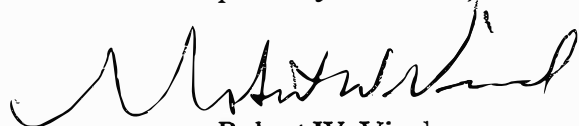
In *Case No. 2011-5124* (Jan. 24, 2012) an officer pleaded guilty to having asked another MOS to prevent the adjudication of two summonses. Because the officer's attempts to prevent the adjudication of these summonses failed, the Advocate offered the officer a penalty consisting only of a five-day suspension and forfeiture of 25 vacation

days. Although the officer accepted this penalty offer, the Police Commissioner rejected the disposition and directed that the Advocate make a new penalty offer which included one year on dismissal probation.

Respondent also argued that his penalty should be mitigated because at the time he engaged in this misconduct ticket-fixing was a common, accepted practice among police officers and even supervisors. In a recent decision, *Case No. 2011-5618* (Jan. 15, 2014), where an eight-year officer admitted to having assisted and/or requested the assistance of other MOS to prevent the adjudication of two summonses, the Police Commissioner imposed the established standard penalty of a five-day suspension, forfeiture of 25 vacation days and one year on dismissal probation, even though the officer offered testimony at a mitigation hearing that ticket-fixing was a common practice at the time he engaged in it.

Therefore, it is recommended that Respondent be DISMISSED from the New York City Police Department; however, this penalty of dismissal will be held in abeyance pursuant to Section 14-115(d) of the NYC Administrative Code for a period of one year, during which time Respondent will remain on the force at the Police Commissioner's discretion and may be terminated at any time without a further hearing. It is further recommended that Respondent be suspended for five days and that he forfeit 25 vacation days for a total forfeiture of 30 days.

Respectfully submitted,



Robert W. Vinal  
Assistant Deputy Commissioner Trials

**APPROVED**

SEP 12 2014  
  
WILLIAM J. BRATTON  
POLICE COMMISSIONER

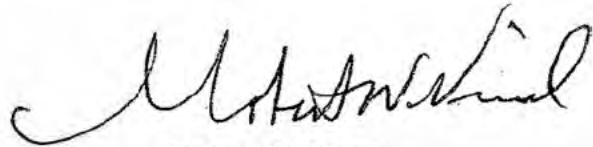
POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER ANGEL TORRES  
TAX REGISTRY NO. 905173  
DISCIPLINARY CASE NO. 2011-6179

The Respondent received an overall rating of 4.0 on his 2013 performance evaluation, 4.0 on his 2012 evaluation, and 3.0 on his 2011 evaluation. He has been awarded one Meritorious Police Duty medal and one Excellent Police Duty medal.

On May 5, 2009, he was placed on Level II disciplinary monitoring which ended on Jan. 31, 2011. [REDACTED] He has no prior formal disciplinary record.

For your consideration.



Robert W. Vinal  
Assistant Deputy Commissioner – Trials